

7-28-05

7-28-05
173
PATENT

Attorney Docket No. SIMI-003/01US
(301187-2004)

Express Mail Certificate: EV 593819235 US
Date of Deposit: February 25, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of David Jerome et al.

Examiner: NGUYEN, CAO H

Serial No: 10/037,786

Art Unit: 2173

Filed: October 22, 2001

Confirmation No.: 7712

For: **METHOD AND SYSTEM FOR A GRAPHICAL REAL TIME FLOW TASK SCHEDULER**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Invensys Systems, Inc. represents that it is the owner of the entire right title and interest of U.S. Patent 6,323,882, filed on November 17, 1998, by virtue of (i) an assignment from David H. Jerome and Richard Eugene Linn (all of the inventors) to Simulation Sciences, Inc. executed on January 25, 1999 and February 10, 1999, respectively, and recorded at Reel 009834, Frame 0526 and (ii) a merger document executed by Simulation Sciences, Inc. and Invensys Systems, Inc. on September 7, 2001 and recorded at Reel 015201, Frame 0747. The assignment from the inventors to Simulations Sciences, Inc. covers all applications that claim priority to U.S. Patent No. 6,323,882, including continuation applications.

The above-captioned Application No. 10/037,786 is a continuation of U.S. Patent 6,323,882, filed on November 17, 1998. Accordingly, Invensys Systems, Inc. is the owner of the entire right, title, and interest of the above-captioned Application No. 10/037,786 by virtue of the above-referenced assignment and merger documents!

03/03/2005 BABRAHA1 00000033 10037786

01 FC:1814

130.00 DP

Invensys Systems, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156, as presently shortened by any terminal disclaimer, of prior U.S. Patent 6,323,882.

Invensys Systems, Inc. hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Invensys Systems, Inc. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record authorized to execute this document. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

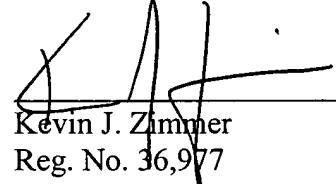
The Terminal Disclaimer fee of \$130.00 set forth in 37 C.F.R. 1.20(d) is submitted herewith. The commissioner is hereby authorized to use Deposit Account No. 03-3117 for any required debit or credit.

Dated: February 25, 2005

Cooley Godward LLP
ATTN: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663

By:

Respectfully submitted,
COOLEY GODWARD LLP



Kevin J. Zimmer
Reg. No. 36,977

454216 v1/SD
9qh401!.DOC



Rev. 06/26/2001

Attorney Docket No. SIMI-003/01US
(301187-2004)

PATENT

Express Mail Certificate: EV 593819235 US
Date of Deposit: February 25, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of David Jerome et al.

Examiner: NGUYEN, CAO H.

Serial No: 10/037,786

Art Unit: 2173

Filed: October 22, 2001

Confirmation No.: 7712

For: **METHOD AND SYSTEM FOR A GRAPHICAL REAL TIME FLOW TASK SCHEDULER**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Transmitted herewith are the following:

X

1. Terminal Disclaimer, and

X

2. Check in the amount of \$130.00 for Terminal Disclaimer fees.

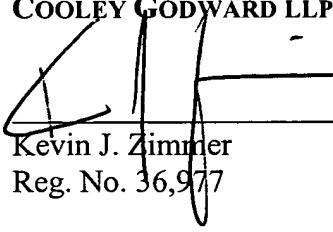
The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

Dated: February 25, 2005

Cooley Godward LLP
ATTN: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663

By:

Respectfully submitted,
COOLEY GODWARD LLP


Kevin J. Zimmer
Reg. No. 36,977